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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 JAMES DEAN LEAVITT,
11 Plaintiff

12 vs.

13 STATE OF NEVADA ex. rel. BOARD OF
14 REGENTS OF THE NEVADA SYSTEM OF
HIGHER EDUCATION; KERI
15 NIKOLAJEWSKI; SHERRY OLSON;
PATRICK CARTER; CATHY McADOO;
16 BYRON BROOKS; CAROL DEL CARLO;
JOHN MORAN; JOSEPH SUNBURY; and
DOES 1 through 10,
17
18 Defendants

CASE NO. 2:24-cv-00260-CDS-NJK

**STIPULATION AND ORDER
FOR DISMISSAL WITH
PREJUDICE**

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20 Plaintiff, James Dean Leavitt (“Plaintiff”) and Defendants, the State of Nevada *ex rel.* Board of
21 Regents of the Nevada System of Higher Education (“NSHE”), Byron Brooks, Carol Del Carlo, Patrick
22 Carter, Cathy McAdoo, John Moran, Keri Nikolajewski, Sherry Olson, and Joseph Sunbury (collectively,
23 “Defendants”), by and through their respective undersigned counsel of record, hereby stipulate and agree
24 as follows:

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1 1. Plaintiff commenced this action in the Eighth Judicial District Court of Nevada on November
2 9, 2023, in Case No. A-23-881329-C (“State Court Action”). On November 23, 2023, Plaintiff filed his
3 First Amended Complaint for Damages in the State Court Action (“First Amended Complaint”) [ECF
4 No. 1-1]. On February 7, 2024, Defendants Crystal Abba, Byron Brooks, Carol Del Carlo, Patrick Carter,
5 James Martines, Cathy McAdoo, John Moran, Keri Nikolajewski, Sherry Olson, Melody Rose, and
6 Joseph Sunbury filed a Notice of Removal of Action pursuant to 28 U.S.C. § 1441 - Federal Question,
7 removing the matter to this Court. [ECF No. 1];
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9 2. On February 23, 2024, the parties stipulated and agreed to the voluntary dismissal with
10 prejudice of named Defendants Crystal Abba, James Martines, Joseph Reynolds, and Melody Rose [ECF
11 No. 11].

12 3. Plaintiff and Defendants have entered into an agreement resolving all disputes between
13 them;

14 4. Each party will bear its own costs and fees;

15 5. Plaintiff will withdrawal any and all other pending legal claims against Defendants and
16 provide written confirmation of the same within five (5) days of filing of this Stipulation and Order for
17 Dismissal; and
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19 6. There being no remaining disputes between the parties, the parties respectfully request
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the instant Stipulation and Order be confirmed by the Court and that the Court dismiss this matter with prejudice.

DATED: November 19, 2024

NEVADA SYSTEM OF HIGHER
EDUCATION

/s/ David R. Hall

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Attorneys for Defendants

DATED: November 21, 2024

LAW OFFICES OF MICHAEL P.
BALABAN

/s/ Michael P. Balaban

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Attorney for Plaintiff

Based on the parties' stipulation, this case is dismissed with prejudice, with each party to bear its own costs and fees. The Clerk of Court is kindly instructed to close this case.



THE HONORABLE CRISTINA D. SILVA
UNITED STATES DISTRICT JUDGE

DATED: November 22, 2024

Respectfully submitted,
NEVADA SYSTEM OF HIGHER EDUCATION

/s/ David R. Hall

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